

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SM KIDS, LLC, as successor-in-interest to	:	
STELOR PRODUCTIONS, LLC,	:	
	:	
Plaintiffs,	:	18 CV _____
	:	
vs.	:	<u>NOTICE OF REMOVAL</u>
	:	
GOOGLE LLC, ALPHABET INC., XXVI	:	
HOLDINGS INC., and JOHN AND/OR JANE	:	
DOES 1-100, inclusive,	:	
	:	
Defendants.	:	
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Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants Google LLC, Alphabet Inc., and XXVI Holdings Inc., by their undersigned counsel, hereby remove this action, originally commenced in the Supreme Court of the State of New York, County of New York, under Index No. 650870-2018 (the “State Action”), to the United States District Court for the Southern District of New York, as a case within the original jurisdiction of the district courts pursuant to 28 U.S.C. § 1332.

1. Plaintiff SM Kids, LLC commenced the State Action in the Supreme Court of the State of New York, where it is now pending. SM Kids, LLC served the complaint on Defendants on February 26, 2018. Defendants were not able to ascertain that this case was removable until Plaintiff informed Defendants of the citizenship of Plaintiff’s members on March 20, 2018. See Ex. A. Defendants now timely seek removal.

2. Plaintiff SM Kids, LLC is a Delaware limited liability company with two members, Stephen and Marla Garchik. Both are citizens of Florida.

3. Google LLC, Alphabet Inc., and XXVI Holdings Inc. are the defendants in the State Action. Defendant Google LLC is a Delaware limited liability company. Its sole member is XXVI Holdings Inc., a Delaware corporation whose principal place of business is California. Defendant Alphabet Inc. is a Delaware corporation whose principal place of business is California. The citizenship of John Doe defendants may be ignored under 28 U.S.C. § 1441(b)(1).

4. Plaintiff's complaint in the State Action seeks more than \$25,000,000 in damages, exclusive of interest and costs. Thus, the matter in controversy exceeds \$75,000, exclusive of interest and costs.

5. For the foregoing reasons, the United States District Court for the Southern District of New York has jurisdiction by reason of the diversity of citizenship of the parties pursuant to 28 U.S.C. § 1332.

6. While Plaintiff's complaint in the State Action alleges that there is a "lack of complete diversity," ¶ 13, Plaintiff now agrees that the parties are completely diverse, and does not oppose removal. See Ex. A.

7. A copy of all "process, pleadings, and orders" served upon defendants is attached to this Notice. See Ex. B.

8. Defendants will give written notice of the filing of this notice to SM Kids, LLC as required by 28 U.S.C. § 1446(d). A copy of this notice will be filed with the clerk of the Supreme Court of the State of New York, County of New York as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants request that this action proceed in this Court as an action properly removed to it.

Dated: New York, New York
March 26, 2018

Respectfully submitted,

COOLEY LLP

By: /s/ Ian Shapiro

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